

Meeting of 2006-4-11 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 11, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
COL Sonny Uberti, Fort Sill Liaison (arrived @ 6:25 p.m.)

Mayor Purcell called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Mayor Purcell requested a moment of silence in remembrance of former Assistant Superintendent of Lawton Public Schools, Dr. Carolyn Mayes. Invocation was given by Chaplain Major John Molina, 75th Fire Brigade, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four
Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF PROCLAMATION FOR WHITE CANE DAY

Mayor Purcell proclaimed April 15, 2006 as White Cane Day and presented the proclamation to members of the Lawton NE Lions Club and Boy Scout Troup 187. Ed Raul, NE Lions Club, stated in 1925, Helen Keller came to their international convention in Cedar Rapids, Iowa, and challenged the Lions to be the knights of the blind. Ever since that time, they have worked to wipe out blindness world wide. In Lawton, this year they have put over 100 pairs of eyeglasses on local citizens who are not able to afford them. They also assist with cornea transplants.

PRESENTATION OF PROCLAMATION FOR DAYS OF REMEMBRANCE

Mayor Purcell stated Congress established Days of Remembrance as our nations annual commemoration of the victims of the holocaust and created the United States Holocaust Memorial Museum as a permanent living memorial to those victims. He proclaimed April 23-28, 2006 as Days of Remembrance.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF MARCH 21, 2006.

MOVED by Warren, SECOND by Givens, to approve the Minutes of March 21, 2006. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Shanklin requested item #9 be considered separately.

MOVED by Warren, SECOND by Patton, to approve the Consent Agenda items as recommended with the exception of item 9. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Glenn & Belinda Colby in the amount of \$50.00. Exhibits: Legal Opinion/Recommendation.
2. Consider the following damage claims as recommended for denial: James B. Johnson in the amount of \$21.61, Francis & Donna Gorman in the amount of \$88.85. Exhibits: Legal Opinion/Recommendation.
3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Carlos Anguiano in the Workers' Compensation Court, Case No. 2004-07982J. Exhibits: Resolution No. 2006-_____.
4. Considering approving request from the Arts & Humanities Division to pursue applying for a Local Government Challenge Grant from the Oklahoma Arts Council for the FY 2006-2007. Exhibits: None.
5. Consider accepting donation to the City Art Collection of the Little Orchestra on the Prairie painting from Joe and Sara Richard in honor of their daughter Peggy Chun. Exhibits: Painting on display at McMahon Memorial Auditorium.
6. Consider granting to the Boy Scouts of America Last Frontier Council permission to hold instructional canoeing and paddle boat sessions on Lake Helen during their day camp held in Elmer Thomas Park held on June 5 9, 2006. Exhibits: Letter of request from Last Frontier Council.
7. Consider a request to change the name of Garfield Park to Patriot Park. Exhibits: Letter from the John Adams Booster Club.
8. Consider establishing a Special Revenue Cellular Service Fee Fund. Exhibits: Resolution No. 06-_____.
9. Consider accepting the School House Slough Restroom, Lift Station and Force Main project #2001-17 as constructed by Howard Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

Shanklin stated he has not been out to see this project and questioned if any of the council members have seen it. He questioned how the restroom looked.

Jerry Ihler, Public Works Director, stated it looks very nice. This project also included a new pump station, at the east camp ground, a new pump station at School House Slough as well as three miles of force main to pump it over to the lagoons in Robinson s Landing.

Shanklin questioned if there were community showers.

Ihler stated he does believe they are community showers in split block.

MOVED by Shanklin, SECOND by Drewry, to accept the School House Slough Restroom, Lift Station and Force Main Project #2001-17 as constructed by Howard Construction, Inc. and place the Maintenance Bond into effect. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

10. Consider adopting Street Light Resolution No. 443 to authorize the removal/installation of street lights at various locations listed in the Resolution. Exhibits: Street Light Resolution No. 443.
11. Consider authorizing application for a Department of Justice Grant. Exhibits: None.
12. Consider awarding (CL06-041) Police Vehicle Equipment Items 1, 2, 4, 6 to Bidder 9, Cop Stuff, LLC, of Howe, Texas; Items 3, 5, 7, 9 to Bidder 5, Adamson Industries Corporation, of Lawrence, Massachusetts; Items 8, 10 to Bidder 7, Gall s, of Lexington, Kentucky.
Exhibits: Abstract of bids and department recommendation.
13. Consider extending the contract (RFPCL05-047) Collection of Overdue Utility Bills with Lawton Retail Merchants Association of Lawton, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form, Abstract of Bids, Division s original Comparison of Bids.

14. Consider approval of payroll for the period of March 13-26, 2006. Exhibits: None.

BUSINESS ITEMS:

15. Hold a public hearing and consider amending the 2025 Land Use Plan from Residential/High Density to Professional Office, changing the zoning from R-3 (Multiple-Family Dwelling District) to P-O (Professional Office District) zoning classification at 3830 NW Arlington Avenue. Exhibits: Resolution No. 06-___, Ordinance No. 06-___, Location Map, Site Plan, Applications and Extract of CPC Minutes.

Richard Rogalski, Planning Director, stated the proposed use of the requested area is a real estate office. The applicants propose to convert the existing single-family residential structure. The City Council recently adopted Ordinance No. 06-01 establishing criteria for the conversion of residential structures to professional offices. The ordinance requires approval of a use permitted on review by the planning commission subject to a binding site plan.

On March 9, 2006 the CPC held a public hearing on this request and a Use Permitted on Review (UPOR) to establish the binding site plan. The CPC, by a vote of 7-0, recommended approval of the request. The CPC also approved the UPOR subject to the City Council's approval of the rezoning.

PUBLIC HEARING OPENED.

Max Hamm, 807 NW 46th Street, stated he is the applicant. He and his wife would like to convert the house into a real estate office so they can manage their rent houses and appraisal business.

PUBLIC HEARING CLOSED.

MOVED by Drewry, SECOND by Shoemate, to approve **Resolution No. 06 -68** amending the 2025 Land Use Plan from Residential/High Density to Professional Office and approve **Ordinance No.06-07** changing of the zoning from R-3 to P-O; waive the reading of the ordinance and read the title only. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-07

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple Family Dwelling District) to P-O (Professional and Office District) zoning classification on the tract of land location at 3830 NW Arlington, more particularly described in Section One (1) of the ordinance, authorizing changes to be made upon the official zoning map in accordance with the ordinance.

16. Hold a public hearing and consider authorizing application and acceptance of the 2006 Department of Justice Edward Byrne Memorial Grant. Exhibits: None.

Mayor Purcell stated a new commentary was distributed which includes an additional paragraph.

Mike Johnson, Deputy Chief, Lawton Police Department, stated this grant recently became available to the Lawton Police Department. This grant offers \$54,710 to which the Comanche County Sheriff's Department is the disparate jurisdiction. Chief Smith has been in negotiations with the Sheriff and has come to an agreement of an 80-20 split. He stated a Memorandum of Understanding will be submitted to the City Council and the Comanche County Commissioners for their approval in the future. Staff is requesting this money be applied towards the modification of a trailer that is currently owned by the City of Lawton Fire Department. The trailer will be modified into a mobile incident command post. Currently we have no such vehicle that can be set up for any length of time. They will not only utilize it for police and fire, but for city events. The trailer is a fifth wheel dual axle.

Shoemate questioned what happened to the trailer that Crimestoppers had purchased several years ago.

Johnson stated that trailer belonged to Crimestoppers and they disposed of it. He does not believe it ever belonged to the police department.

Jackson questioned how staff arrived at that 80-20%.

Ronnie Smith, Lawton Police Chief, stated he used the same figures that were used for the division of the cell phone proceeds. The Sheriff agreed with the numbers.

Johnson stated this is just the application. He has received approval from his controller in Washington to submit this particular project.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Jackson, SECOND by Warren, to authorize acceptance of the grant and authorize the City Manager to sign the necessary forms. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

17. Consider approving an ordinance pertaining to animals amending Section 5-3-301, Article 5-3, Chapter 5, Lawton City Code 2005, by correcting a scrivener's error in a previous amendment that references a definition in the wrong section of the city code, and providing for severability. Exhibits: Ordinance No. 06-__.

Vincent stated there was a typographical error and the incorrect code number was entered into the ordinance.

MOVED by Warren, SECOND by Shoemate, to approve **Ordinance No. 06 -08** waive the reading of the ordinance and read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-08

An ordinance pertaining to animals amending Section 5-3-301, Article 5-3, Chapter 5, Lawton City Code, 2005, by correcting a scrivener's error in a previous amendment that references a definition in the wrong section of the City Code, and providing for severability.

18. Consider an Ordinance amending Section 22-1-4-144 and a Resolution amending Fee Schedule, and authorize the City Manager to determine structures dilapidated, set tipping fee at landfill for voluntary removal and disposal of dilapidated structures by owner prior to Council declaring structures condemned and set tipping fee for removal and disposal of structures declared condemned by Council. Exhibits: Ordinance No. 06-__ and Resolution No. 06-__.

Mitchell stated this ordinance would reverse our practice. Currently we do not provide the tipping fee discount on disposal of material until the City Council passes a resolution. This ordinance would allow us to reverse that and up until the point of the council resolution, the owner would get the 50% discount at the landfill. Once the resolution is passed it would be 100%. This will save a lot of administrative time and encourage people to take their properties down and expedite the process.

Shanklin stated if the property comes on demolition they have to pay the full bill to begin with.

Vincent stated if the property is declared dilapidated by the City Council, they will have to pay the full fee.

Shanklin questioned if we are saying that if someone wants to fight this, they are going to pay 100%.

Vincent stated he and the Assistant City Manager have discussed the revisions needed for the notification letter which will say if a property owner comes in after getting just the letter, they will receive the benefit of the discount. If they wait until it comes to Council, it will be too late.

Shanklin questioned how many letters the property owner receives before it comes to Council.

Greg Buckley, Assistant City Manager, stated the property owner generally is provided from two to three notices

Mitchell stated they would have up until the time they appear before the Council.

Givens stated he was the one who asked for this change. His friend had his house burned and he came in and had to pay the full tipping fee. If staff and the City Council went to all the trouble to condemn a property, that owner could get off. He does not believe that is right if someone is going to voluntarily tear down their own property, they should benefit, not someone we have to drag through the whole procedure.

Shanklin stated he wants to make sure the property owners have the proper notification and understanding. He questioned if a property owner can still be working on a project after it is in litigation.

Vincent stated no, without a permit. In certain cases, the judge has authorized the owner to come down and get a permit, but we will not issue a permit once we have filed the lawsuit for condemnation.

Shanklin questioned if we look at the inside, the plumbing, the electrical and the structure. He stated he was told no.

Buckley stated the discussion was in regards to painting the structure. Depending on the condition of the home

and what was in violation, they do have to bring all violations up to code with regards to what has been identified. When an entire structure has been declared dilapidated, the owner would have to bring it all up to code to meet the current code to be occupied.

Shanklin questioned if we go inside or not.

Buckley stated generally we do go inside and look at the property. On some properties we do not have access or are not allowed by the property owner because they are voluntarily tearing it down. If they do get a permit to rehab the property, we do have access to go inside.

Shanklin stated 10-15 years ago they got into the issue that if so much a percent of the building is gone we would not allow it to be reconstructed. He questioned if that policy was gone.

Vincent stated it is gone by state statute.

Shanklin stated that still doesn't mean we are not going to go in and make the owner bring the wiring up to date.

Vincent stated if this council has declared the property dilapidated and the owner comes in and gets a building permit, they have to make it habitable to the current code, which would include wiring, plumbing, foundation, etc.

Shanklin stated that means we go inside the building.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 06 -69** and **Ordinance No. 06-09** waive the reading of the ordinance, read the title only and declare an emergency. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-09

An ordinance pertaining to utilities, amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code, 2005, by establishing landfill fees for disposal of demolished and removed materials from a dilapidated structure, providing for severability, and declaring an emergency.

19. Consider authorizing the Mayor and City Clerk to execute a project agreement for funding with the Comanche Tribe of Oklahoma for the installation of a temporary traffic signal system at the intersection of East Gore Blvd. and Lawrie Tatum Road and the Comanche Casino driveway entrance. Exhibits: Project Agreement.

Ihler stated there has been some traffic congestion at this location of the driveway entrance to those three businesses. There have been several accidents. Staff met with representatives from the Comanche Nation to look at alternatives and also met with the Oklahoma Department of Transportation about some alternatives. After discussing all of the issues with the existing conditions, it was felt that the most prudent thing to do at this time was to put up a temporary traffic signal. They will be utilizing wooden poles and hanging the signals by cable.

They will also be constructing a left turn bay for west bound traffic into this entrance. Staff met with Comanche Nation and asked if they would consider participating by paying for the materials and they agreed to do so. The City of Lawton's participation is to provide the labor to construct the light. The cost will be 50/50 as it relates to materials vs. manpower and labor.

Shoemate questioned if the Montego Bay apartments and the Best Western were also participating.

Ihler stated no. He contacted representatives from both and was told neither was able to participate.

Shoemate questioned if we had exhausted every effort with ODOT regarding coming out on I-44.

Ihler stated staff feels they have exhausted every effort. There would have to be a frontage road that would move traffic from Lee Boulevard to Gore Boulevard. They might allow a frontage road to tie in, but at this point in time they are not open to that alternative.

Shoemate stated Highway 9 going into Norman loops around onto I-35. In Oklahoma City 240 loops around onto I-35 and does the same thing that we are asking that they could do at the casino with another road going on to the off ramp. We wouldn't even have to put a temporary light.

Ihler stated when staff approached ODOT and asked if they would be willing to participate in a signal at the existing location of the entrance or would they be likely to allow us to tie in an access road on to that off ramp. The response they received was that there was an outside possibility that they might participate with a signal at the entrance and they would prefer that over allowing us to tie into the off ramp. There are some safety considerations with regards to merging the patrons from the casino, Best Western and Montego Bay onto that off ramp where you

have speeds of 45 mph coming off the 65 mph interstate.

Roger Bank, General Manager of Best Western Hotel, 1125 E. Gore Boulevard, stated the owners of the hotel and the owners of the apartment complex agree that the traffic light needs to be there without the word temporary.

He questioned if they were allowed to see the studies that were done. They were told eight months ago by the City of Lawton that they could not put a traffic light there. Now we can. A study was conducted by a private entity that the city is reviewing. He thinks that the City of Lawton or ODOT should do a study and everyone should be able to see it. He stated they would not participate until they could see what is going on. The study should be given to all parties concerned so they can make an intelligent decision and they may want to contribute to the project. Moving the entrance is not a solution. They will be affecting a viable business by moving the entrance into the hotel. He stated there were counters used for the current study. He stood for three nights and counted the traffic flow on Gore Boulevard versus the flow coming off the freeway and it is 50-1. He stated the traffic flow from the off ramp needs to go away and the stop needs to be a right turn only. With two lights so close together, this will cause a major traffic jam.

Richard Maxberry, Montego Bay Apartments, stated Mr. Bank said everything that needed to be said.

John Plata, in-house Counsel for the Comanche Nation, stated their main concern is the safety of the citizens. They are volunteering to participate in this project as an act of good will. This may not be the best solution, but it is a solution for right now.

Jackson stated he travels that road several times a day and it is extremely dangerous. He questioned why we were sitting on the traffic study done by the Comanche Nation.

Ihler stated the study was paid for by the Comanche Nation and they were kind enough to give us a copy. He understood they have changed some of their plans and have not accepted the study. Staff has told Mr. Bank that he could contact the Comanche Nation and ask if they would share that study with him. Staff did not feel it was appropriate to give out a study that we did not oversee or pay for.

Jackson stated once it comes to us it becomes an open record. He felt they deserved to see a copy of the plan as long as the Comanche Nation gives their approval. We cannot deny the public access once it comes to the City Council.

Mr. Plata stated part of the reason they entered into this agreement is so they would not have to release that plan. Part of the plan is still speculative and they don't own part of the property where the plan will cross. He felt releasing the plan would increase their costs. They have to begin the planning stage now so they can look into the future and develop a solution. If the plan is released to the public, the cost of the property around the proposed expansion will increase.

Jackson stated he understood, but we have to abide with state statutes in regards to open records. He stated he would defer to the City Attorney.

Vincent questioned if Mr. Bank had made an official request under the open records act for the plan.

Mr. Bank stated he has not made a formal request in writing.

Vincent stated he will review this issue with Mr. Ihler to see if there is anything in the open records act that would prevent us from releasing the plan. He will advise Mr. Bank in writing of that determination.

Jackson stated that he hoped we would have Mr. Banks' 100% approval to continue the effort to make this a viable situation on East Gore Boulevard. Not everyone is going to be happy with the outcome, but it is a situation for everyone to be concerned.

Shoemate stated there are other studies being done that include an access road going south on Lee Boulevard. He stated the other businesses need to participate in this plan because they will also benefit.

Jackson stated this is not the only thing we have working on that corner. There is a lot going on.

Mr. Maxberry stated they have 112 families that live smack in the middle of this problem every day. Four residents have had fender benders at that corner. They do understand the complexity of the issue, but they have so little information as an immediate property owner.

Jackson stated there are so many plans being discussed and so many possible opportunities and this plan by the Comanche Nation is no where near the final solution. There will be plenty of public hearings when we start looking at all the studies being done.

Mr. Plata stated that tribal government sometime seems unstable and it would be better to get something done now rather than waiting because they don't know what will happen in a year or ten years. He urged everyone to take advantage of this opportunity.

MOVED by Jackson, SECOND by Warren, to approve a project agreement for funding with the Comanche Nation of Oklahoma for the installation of temporary traffic signal system at the intersection of East Gore Blvd. and Lawrie Tatum Road. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

20. Consider amending Council Policy 1-1, Employee Travel, and changing the Standard Meal Allowances and mileage reimbursement for Employees, Mayor and Council and take appropriate action. Exhibits: Council Policy 1 1, Attachment A

Jim Scholes, Human Resources Director, distributed a proposed floor amendment. He stated this changes the employee travel policy. It was discovered that there was nothing in the policy that addressed what time a person has to leave town to be paid for dinner. Attachment A in the agenda packets did not correspond with the commentary. The standard meal allowance on Attachment A should total \$38 for Oklahoma and \$50 for outside Oklahoma. He stated these figures are well below several cities he has surveyed and some local businesses.

Shanklin questioned if it was commensurate with the income of Southwest Oklahoma and Lawton.

Scholes stated staff believes the \$38 and \$50 is a fair number.

Mitchell stated the new rates will be effective July 1, 2006.

MOVED by Warren, SECOND by Drewry, to approve amending Council Policy 1-1, Employee Travel, changing the standard meal allowance and mileage reimbursement and approve the proposed floor amendment. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

21. Discuss and review a request to temporarily suspend annual boathouse fees at Lake Ellsworth and take the appropriate action, if necessary. Exhibits: Schedule of Fees.

Warren stated this is exactly what was done last year. It provides the opportunity to suspend the required payments to the city until such time as those boat houses are actually viable. He stated it is not just Lake Ellsworth, some of the boats are at Robinson's Landing.

MOVED by Warren, SECOND by Patton, to waive the 2006 annual fees for only those boathouses at any of the city lakes deemed to be unusable by the Parks and Recreation Director. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

22. Discuss the status of the E-911 Consolidation Agreement between the City of Lawton, Oklahoma and the Board of County Commissioners of Comanche County, Oklahoma and take appropriate action, if necessary. Exhibits: None.

Shanklin he went down and looked at the courthouse project. He questioned where we were with this issue.

Mitchell stated the ball is in the Comanche County Commissioners' court. The agreement was signed by city officials after the December 1, 2005 special meeting and has been delivered to the County Commissioners. They have chosen to take no action and have chosen not to call for an election. He does not know what the City Council can do to force their hand.

Jackson stated part of the committee asked the County Commissioners to hold a county wide election and ask for the approval of the merger of E-911 services. They have refused all of our efforts to call for an election.

Shanklin stated that is not the way it was explained to him. He thought maybe it was the ownership that was in question. Commissioner Kirby told him that the city could run it.

Jackson stated Commissioner Kirby is in favor of the merger, but they keep getting shot down by the other two commissioners.

Shanklin stated maybe we should give it another shot. The county is ready to start remodeling.

Jackson stated we have made every effort to approve this merger.

Shanklin questioned if we could move into the courthouse with only the approval of Commissioner Kirby.

Vincent stated it must be approved by at least two county commissioners.

Mayor Purcell stated Commissioner Kirby needs one more vote.

Shanklin stated he thinks Commissioner Kirby has one more that may change their mind. How do they re-open negotiations.

Mayor Purcell stated all they have to do is vote on the issue.

Shanklin stated Commissioner Kirby acted like we weren't ready for this merger and we wanted a free standing building.

Jackson stated the ultimate goal is to have a free standing building. He stated we have been approached by the Great Plains Technology Center who are seeking funding to build that stand alone facility.

Shanklin questioned at what cost.

Jackson stated it would be no cost to the City of Lawton.

Mayor Purcell stated the technology center is seeking funds to create a training center for CLEET. As part of that center, there would be a place to house both the E-911 and Emergency Operations Center. It would not be perceived to be controlled by either the city or county. The plan discussed was to have a separate board.

Shoemate questioned if we discussed the possibility of tying in with Duncan or Altus.

Patton stated it was very discouraging because Mr. Jackson and Mr. Warren worked so long on the committee and they thought we were making some headway.

Jackson stated he went to the county commission meeting when the approval of the merger was on the agenda and he actually thought it would pass by a 2-1 vote, but it actually passed by a 3-0 vote. A joint meeting was then scheduled and we were shocked by what happened at that meeting when it did not pass.

Patton stated it is a tremendous waste of resources, especially with money coming in from the cell phone charges. We could focus that money into a very good stand alone system that will benefit the entire county.

Mayor Purcell stated the break down of those revenues from the cell phone are 80/20. The City of Lawton will receive 80%, which should be enough to implement the location for the cell phones. The county will have to put in more money to implement the program or not implement it at all.

Jackson stated he and Mr. Warren believe the county residents would favor the merger and that is why they forwarded the letter and requested it go to a vote of the people.

Shanklin stated if they don't join with us then we will have to run someone and take it away from them. We can't go forward because of 200-300 naysayers.

Jackson stated it is more like 20-25.

Patton stated that the residents inside the city limits need to realize that they also pay county taxes.

Jackson stated he and Mr. Warren could meet with the Police Chief, Fire Chief and City Manager and talk about our next move.

Warren stated this is for the betterment of all citizens of the county and will save everyone money. The only way we are ever going to free up any dollars is by saving money. We can't wait on the state to send us money.

23. Discuss the audited number of \$5,433,134 of projected carryover for July 1, 2005. Exhibits: None.

Shanklin stated he is very proud of the \$5.4 million and he understood we have another \$400,000 in sales tax.

Mitchell stated there is an adjustment that needs to be made on our next monthly statement, but so far this year we are up about 7%. They received a letter from the Oklahoma Tax Commission saying there was an error and they accounted for \$227,000 that should have been applied to another city.

Shanklin stated we really don't know what our carry over is.

Mitchell stated staff will have an estimate when the budget will be submitted in May. The actual number will not be known until the audit. He stated the carry over was \$5.4 million at June 30, 2005. That is the baseline that

they used to develop the budget for this year. They spent that down about \$3.5 million. They think the year end will be closer to \$2 million.

Shanklin stated he was concerned about what departments the carry over came from.

Mitchell stated from the audit report for last year ending June 2005, our revenues increased about 16% and expenditures decreased about 7%. The combination of those two created this carry over. He stated there is a state law that we have to collect 90% of revenues by June 1st and a couple years ago we came within about \$55,000 of having to shut down. We had to move money over from rolling stock, but that is what we had to do to get us through. Since that time our economy has turned around with increased revenues and we have clamped down on expenditures.

Warren stated the only way we were able to provide the raises in the last budget is because we had that kind of carry over without raising utility rates.

24. Discuss the standard operating policies and procedures of the Office of the Mayor, City Manager and City Council. Exhibits: Position Description for Executive Secretary.

Shanklin stated he was going to strike this for several reasons, but about a week ago he ran into an individual that had listened to a former councilman tell everything that had happened in executive session. He hadn't heard anything about it, so he called Mr. Jackson who told him what had happened. He got a hold of Mr. Haywood and he confirmed. What generated the ruckus is the authority of the Mayor to say that our City Clerk is going to be the council secretary. He wants to know how he came up with that. He and the Mayor returned some emails that weren't too nice. He didn't know if he had been threatened or not. He didn't know if they needed to discuss this right now, but he just didn't see how and where the Mayor gets the authority to say that these things are going to happen and that Mr. Haywood is wrong in requesting his proclamations. He suggested they get on the same team and quit arguing. He is not going to sit back and watch what he thinks is a gross interpretation of our city charter. He was sorry it didn't make the paper and it was suppressed. Let's not suppress it. He sees nothing wrong with arguing. Let's not be so thin skinned that we overreact. He requested a legal opinion on Council Policy 2-2. To him the charter says the Mayor has no administrative duties whatsoever except to sign the documents the City Council passes. He stated in the email the Mayor will tolerate no more lies. If he lied it was not intentional. He might have had some misinformation, but he has two council people that said they were there.

Jackson stated there is a current legal opinion in regards to Council Policy 2-2 and wanted to know if it is valid or do we need another one.

Vincent stated he has been asked by the Mayor to review that opinion on Council Policy 2-2 and either say it okay or revise it. He hasn't had an opportunity since he got the email yesterday from the Mayor to do any study or review. He questioned if Mr. Shanklin wants a legal opinion on the same subject?

Shanklin stated he thinks the council has to vote on it.

Vincent stated he would have to review Council Policy 2-2 because that is an issue.

Shanklin stated he would hope it would be.

Vincent stated if he is required to have council authority for this legal opinion, he will agenda an item at the next council meeting.

Shanklin stated he had no problem with that.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood thanked Ward 7 constituents who are in attendance. On April 29th there will be a southside rally between 12th & 13th Street and Georgia and Garfield at Vernon Cook Park from 10:00 a.m. 5:00 p.m.

Shanklin stated he handed out a packet regarding SE Hardin. The issue was approved two weeks ago on consent agenda. He asked if we could make an effort to appease the owner, Mr. McGavick, and assure him that he is not going to be flooded.

Mitchell stated we cannot give him an assurance that he will not be flooded.

Jackson stated he has asked the City Manager if he would agree to sit down at a table with all the necessary people and make sure that everyone is on the same page. He does not know if we can solve his problem, but at least he knows what will happen out there is not going to expand the problem.

Shanklin stated at one time he was told that we were not going to give him that right of way to hook on.

Vincent stated they wanted to extend their driveway into the existing street and according to the rules they have to extend the street to the city limit line and then they can attach their driveway. They have filed a plan which is reviewed by Larry Wolcott and approved for a full blown street extension which includes drainage. The Council approved the extension of the street to city standards with the appropriate drainage.

Shanklin stated he passes by the landfill two or three times a month and he cannot find any trash anywhere. It looks very nice.

COL Uberti thanked members of the Lawton-Fort Sill Co-op for the trash off this past weekend. Thirty-five tons of trash was delivered to the landfill. The Bill Smith Memorial Golf Tournament is scheduled for April 25-27.

Jackson thanked the 2nd and 18th Field Artillery who are the Kiwanis co-op partners and who participated in the pancake event. Without their help, they would not have been able to pull it off.

Mitchell distributed the results of the Lawton-Fort Sill Trash-off. He stated there was a major increase in the number of refrigerators, paint and tires that were picked up this year as opposed to last year. He thanked Tony Griffith and Public Works staff for their efforts. He distributed a letter from Southwestern Oklahoma State University asking for a support letter for their economic development efforts. He stated staff would like to draft that letter if there are no objections.

Mayor Purcell thanked those who participated in the trash off event. He thanked the Lawton Police Department and all those who worked the recent homicide investigation. He thanked city staff and those in the community for supporting him over the past week.

Vincent stated on April 26th he and Gary Smith, Public Works, are meeting to work with the Oklahoma Municipal League on a committee dealing with water conservation.

The Mayor and Council convened in executive session at 7:42 p.m. and reconvened in regular, open session at 7:56 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the law suit, in the Oklahoma County District Court, City of Lawton vs. Public Employees Relations Board and American Federation of State, County, and Municipal Employees, Case No. CJ-2004-9617, and the related appeal before the Oklahoma Supreme Court, Case No. SD-101934; and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 25 shown above. He said the Council did receive a briefing on the current status. No action is required.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the consolidated law suit, in the Comanche County District Court, Comanche County Rural Water District No. 1, et al vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-928; and if necessary, take appropriate action in open session.

Vincent read the title of item 26 shown above. He said the Council did receive a briefing on the current status of the case. No action is required.

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers' Compensation claim of Kelly Blake, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of item 27 shown above. He said the Council did receive an update on the case. No action is required.

Mayor Purcell stated on April 19th a public hearing will be held at 5:00 p.m. for the Section 108 grant application.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 8:00 p.m. upon motion, second and roll call vote.

_____/s/ John P. Purcell, Jr._____

JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK